

**Local Union 441 Death Benefit Plan
Supplement to the By-Laws**

Effective January 1, 2004, the By-Laws of Local Union 441 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, are hereby duly amended and supplemented to create the Local Union 441 Death Benefit Plan.

1. Benefit. Upon proof of death of an eligible member of Local Union 441, the Local Union 441 Death Benefit ("Death Benefit") in the amount of Three Thousand Five Hundred Dollars (\$3,500.00) shall be paid to the deceased member's beneficiary(ies) as hereinafter provided.

2. Eligibility. A member of Local Union 441 shall be eligible for the Death Benefit, if, at the time of the member's death, all the following requirements have been satisfied:

- (a) The member was in good standing pursuant to Sections 159 and 160 of the Constitution and By-Laws of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, **and**
- (b) The member had previously satisfied the initial special dues assessment required for participation in the Plan, and
- (c) The member had not opted out of participation in the Plan, or, if he had opted out, he subsequently resumed participation in the Plan by satisfying its requirement to do so, and
- (d) The member had no outstanding debt owing to Local Union 441, including but not limited to amounts owed to the plan. However, notwithstanding this requirement, a member who owes less than two hundred and fifty dollars (\$250.00) to Local 441 will be eligible for this benefit, but any payments will be offset by the amount needed to satisfy this debt.

3. Designation of Beneficiaries. Each member of Local Union 441 shall designate the person or persons to whom the Death Benefit shall be paid upon the death of the member. Each member shall have the right to change the designation of beneficiary at any time. The original designation of beneficiary and all changes in designation of beneficiary shall be made in writing upon a form provided by Local Union 441. The designation of beneficiary, or change in designation in beneficiary, shall be effective upon receipt in writing at the Local Union 441 office.

In the event any member:

- (a) Failed to designate a beneficiary; **or**
- (b) Designated the member's spouse as the beneficiary, subsequently divorced that spouse, and did not re-designate the ex-spouse after the divorce; **or**
- (c) The designated beneficiary predeceased the member, or did not survive the death of the member by 72 hours;

the Local Union 441 Death Benefit shall be paid to such person(s) as the Death Benefit Committee shall determine to have the most equitable claim to the deceased member's death benefit. Such determination by the Death Benefit Committee shall be final and binding upon all parties.

4. Administration. The Local Union 441 Death Benefit Plan shall be administered by the Death Benefit Committee. The Death Benefit Committee shall consist of the Business Manager of Local Union 441 and two other individuals appointed by the Business Manager from among the members of Local Union 441. The two other individuals shall not serve any fixed term on the Death Benefit Committee, but shall serve at the pleasure and discretion of the Business Manager. The Death Benefit Committee shall have the exclusive right and discretion to interpret any and all terms of the Local Union 441 Death Benefit Plan and to determine the payment of benefits as provided herein. Furthermore, any and all decisions of the Death Benefit Committee concerning the interpretation of the Local Union 441 Death Benefit Plan and/or payment of benefits from such Plan shall be final and binding upon all parties.

5. Funding. Effective January 1, 2004, and each January 1 thereafter, any person who became a member of Local 441 within the prior calendar year shall be assessed Ten Dollars (\$10.00) for initial, special dues assessment. However, any Local Union 441 member who, prior to January 1, 2004, was a participant of a similar death benefit plan of former Local Unions 165, 171, 664, or 763, shall be deemed to have paid the initial, special dues assessment. In addition to the foregoing assessment, each member of Local 441 (but excluding Life Members who have participated in this Plan or a similar death plan of former Local Unions 165, 171, 664, or 763) shall be assessed special dues in the sum of Three Dollars (\$3.00) upon the death of any eligible member of Local 441. Such special dues shall be assessed to each member who has not opted out of participation in the Plan for that calendar year. Each such Three Dollar (\$3.00) special dues assessment shall be paid in advance of monthly dues. Each payment of an initiation, special dues assessment or a special dues assessment upon the death of an eligible member shall be recorded in each member's financial record by the Financial Secretary of Local Union 441.

6. Offsets. Any Death Benefit payable under this Plan shall be subject to an offset of any amounts the deceased member otherwise owed to Local Union 441.

7. Appeals. Any member, designated beneficiary, or person claiming as a beneficiary who is aggrieved by any administrative decision or action of the Local Union 441 Death Benefit Plan, may appeal in writing to the Death Benefit Committee. Such appeal shall be made within five (5) days of the decision or action that is the subject of the appeal. The Death Benefit Committee shall consider the appeal and the Committee's decision concerning the appeal shall be final and binding upon all parties. The Death Benefit Committee shall have full discretion and authority to make all determinations regarding the operation and administration of the Plan, including eligibility for and entitlement to benefits.

8. Notice. Local Union 441 shall make a sincere effort to notify each of its members of the establishment of the Local Union 441 Death Benefit Plan. If any member should fail to receive such notice, however, Local Union 441 shall not have any liability thereof.

9. Amendment. The Local Union 441 Death Benefit Plan may be amended in writing pursuant to the provisions for amending the By-Laws of Local Union 441.

10. Withdrawal of Participation. Any member who was a Participant based on his satisfaction of the initial special dues assessment will be able to opt out of participation in the Plan either by executing a form in the Wichita offices of Local 441 during the first month of the calendar year, or by receipt of an executed form sent by certified mail in the Wichita offices of Local 441 during the first month of the calendar year. A member who does not execute this form will be deemed a Participant in the Plan, and thus eligible for benefits and liable for the special dues assessment in the event of death of an eligible member. A member who opts out of participation in the Plan during the applicable period can return to participation in the Plan by satisfying the requirements of the following section.

11. Resumption of Participation. A member who previously opted out of participation in the Plan will be able to resume participation by executing a form in the Wichita offices of Local 441 during the first month of the calendar year or by receipt of an executed form sent by certified mail to the Wichita office of Local 441. As a further requirement for being allowed to resume participation, the member will be required to pay into the Plan the amount of money that had been assessed for payment of death benefits during the period he had opted out of participation.

12. Termination. In the event the Death Benefit Committee determines in its sole discretion that there are no longer sufficient assets to continue to provide benefits, the Death Benefit Committee will have full authority to terminate the operations of the Plan. In that event, the Death Benefit Committee will use the assets of the Plan to pay any benefits then owing and pay any outstanding expenses, including any expenses associated with the Plan's cessation of operations. Any amounts remaining would become the property of Local 441.

13. Assets of Local 441. While the sole purposes of the Plan is to provide a death benefit to eligible members, the assets of the Plan are at all times part of the general assets of Local 441, and as such may legally be used by Local 441 for any purpose permissible for it. Additionally, in the event of a judgment against Local 441, the assets of the Plan will be deemed assets of Local 441 and as such subject in enforcement of that judgment.